IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Crl.MC.No. 2110 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.3423/2007 Dated 13/06/2007
CRIME NO.33/2006 OF KODUVALLY POLICE STATION

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PETITIONER:

RAFEEQ, S/O AHAMMU HAJI,
PILAKKAVEETTIL MUTHALKULANGARA VEEDU,
THEKKEPUNNAYYUR, THRISSUR DISTRICT.

BY ADV. SRI.P.K.VARGHESE
SRI.HRITHWIK

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2110 of 2007

Dated this the 9th day of July 2007

O R D E R

The petitioner has come to this court with the prayer that the conditions imposed on him when he was enlarged on bail may now be deleted. The petitioner faces allegations under Section 395 I.P.C. He was released on bail as per order dated 13/6/2007. Inter alia, he was directed to report before the investigating officer between 9 a.m and 11 a.m on all Wednesdays. The petitioner did so report on 20/6/2007 and 27/6/2007. Thereafter, he has not reported before the investigating officer, it is submitted. The petitioner prays that the said condition may now be deleted. The petitioner has suffered a fracture and because of that, he was unable to undertake the long and strenuous journey to the investigating officer who is the Station House Officer of Koduvally police station.

2. The application was opposed by the learned Public Prosecutor. Considering the nature of the allegations and the

short period of time during which alone the order has been complied with, the condition may not be deleted now, submits the learned Public Prosecutor.

3. It is not disputed that the petitioner has suffered a fracture and he had that injury even when he was produced before the learned Magistrate. The petitioner, who has complied with the said condition on two occasions, has shown no satisfactory reasons why such condition must be deleted at this early stage. However, I am satisfied that a lenient view can be taken and the frequency of such appearance can be reduced.

4. In the result, this petition is allowed in part. It is directed that the petitioner need hereafter appear before the investigating officer only between 9 a.m and 11 a.m on alternate Wednesdays starting from 11/7/2007. It shall be open to the petitioner to approach this court again for modification of conditions after a period of six weeks.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007